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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,333	09/25/2003	Todd Werpy	E-1715-DIV	9671
21567	7590	08/09/2006	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			NGUYEN, CAM N	
			ART UNIT	PAPER NUMBER
			1754	
DATE MAILED: 08/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,333

Applicant(s)

WERPY ET AL.

Examiner

Cam N. Nguyen

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/01/06 (an amendment/response).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-29, 31 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-20, 23-24, 29, & 31 is/are allowed.
- 6) ☒ Claim(s) 25-27 and 36 is/are rejected.
- 7) ☒ Claim(s) 21, 22, 25-28 and 34-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicants' amendment and remarks, filed June 01, 2006, has been made of record and entered. Claims 1-18, 30, 32-33, & 37 have been canceled. Claims 19, 25, & 28-29 have been amended.

Claims 19-29, 31, & 34-36 are currently pending and under consideration.

Claim Objections

2. Claims 21-22, 25-28, & 34-36 are objected to because of the following informalities:

A. In claim 21, line 1, "made" is suggested changed to --produced-- or --prepared--.

B. In claim 21, line 2, "in which the catalyst component" should be changed to -- wherein the catalyst metal component--.

C. In claim 22, line 1, "catalyst component" should be changed to --catalyst metal component--.

D. In claim 25, line 2, --,-- should be inserted after "catalyst".

E. In claim 26, line 1, "catalyst component" should be changed to --catalyst metal component--.

F. In claim 27, line 2, --,-- should be inserted after "titania".

G. In claim 27, line 2, "catalyst component" should be changed to --catalyst metal component--.

- H. In claim 28, line 2, "catalyst component" should be changed to --catalyst metal component--.
- I. In claim 34, line 1-2, "catalyst component" should be changed to --catalyst metal component--.
- J. In claim 35, line 2, --,-- should be inserted after "pores".
- K. In claim 35, line 2-3, "catalyst component" should be changed to --catalyst metal component--.
- L. In claim 36, line 1, --wherein—should be inserted after "claim 19".
- M. In claim 36, line 1, "catalyst component" should be changed to --catalyst metal component--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112 (Second Paragraph)

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claims 25-27 & 36 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. Claim 25 recites the limitation "the dried catalyst" in line 2. There is insufficient antecedent basis for this limitation in the claim.
 - B. Claim 31 recites the limitation "the 80% of metal oxide plus 5 um margin occupies less than 40% of the total cross-sectional area" in line 1-2. There is insufficient antecedent basis for this limitation in the claim.

C. Regarding claim 36, the phrase "...at least one dimension of at least about 5 um" is unclear as to what applicants meant. Thus, renders the claim vague and indefinite.

Response to Applicants' Arguments

5. Applicants' amendment and response filed on June 01, 2006 has been fully reconsidered, but not deemed persuasive in view of the new ground of rejection(s) and/or objection(s) above.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7. Claims 19-29, 31, & 34-36 are pending. Claims 25-27 & 36 are rejected. Claims 21-22, 25-28, & 34-36 are objected. Claims 19-20, 23-24, 29, & 31 are allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M, W, R, & F, 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen/cnn

cnn

August 07, 2006

Cam Nguyen
CAM N. NGUYEN
PRIMARY EXAMINER

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